

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To make a technical correction.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.**

**S. 2191**

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 Strike title VIII and insert the following:

2 **TITLE VIII—**\_\_\_\_\_

3 **SEC. 8001. NATIONAL DRINKING WATER REGULATIONS.**

4 (a) IN GENERAL.—Section 1421 of the Safe Drink-  
5 ing Water Act (42 U.S.C. 300h) is amended—

6 (1) in subsection (b)(1), by striking “subsection  
7 (d)(2)” and inserting “subsection (e)(2)”;

8 (2) by redesignating subsection (d) as sub-  
9 section (e); and

1           (3) by inserting after subsection (c) the fol-  
2       lowing:

3       “(d) CARBON DIOXIDE.—

4           “(1) REGULATIONS.—Not later than 1 year  
5       after the date of enactment of the America’s Climate  
6       Security Act of 2007, the Administrator shall pro-  
7       mulgate regulations for permitting commercial-scale  
8       underground injection of carbon dioxide for purposes  
9       of geological sequestration to address climate  
10      change, including provisions—

11           “(A) for monitoring and controlling the  
12      long-term storage of carbon dioxide and avoid-  
13      ing, to the maximum extent practicable, any re-  
14      lease of carbon dioxide into the atmosphere,  
15      and for ensuring protection of underground  
16      sources of drinking water, human health, and  
17      the environment; and

18           “(B) relating to long-term liability associ-  
19      ated with commercial-scale geological sequestra-  
20      tion.

21           “(2) SUBSEQUENT REPORTS.—Not later than 5  
22      years after the date on which regulations are pro-  
23      mulgated pursuant to paragraph (1), and not less  
24      frequently than once every 5 years thereafter, the  
25      Administrator shall submit to Congress a report that

1 contains an evaluation of the effectiveness of the  
2 regulations, based on current knowledge and experi-  
3 ence, with particular emphasis on any new informa-  
4 tion on potential impacts of commercial-scale geo-  
5 logical sequestration on drinking water, human  
6 health, and the environment.

7 “(3) REVISION.—If the Administrator deter-  
8 mines, based on a report under paragraph (2), that  
9 regulations promulgated pursuant to paragraph (1)  
10 require revision, the Administrator shall promulgate  
11 revised regulations not later than 1 year after the  
12 date on which the applicable report is submitted to  
13 Congress under paragraph (2).”.

14 (b) CONFORMING AMENDMENT.—Section 1447(a)(4)  
15 of the Safe Drinking Water Act (42 U.S.C. 300j–6(a)(4))  
16 is amended by striking “section 1421(d)(2)” and inserting  
17 “section 1421(e)(2)”.

18 **SEC. 8002. ASSESSMENT OF GEOLOGICAL STORAGE CAPAC-**  
19 **ITY FOR CARBON DIOXIDE.**

20 (a) DEFINITIONS.—In this section:

21 (1) ASSESSMENT.—The term “assessment”  
22 means the national assessment of capacity for car-  
23 bon dioxide completed under subsection (f).

24 (2) CAPACITY.—The term “capacity” means the  
25 portion of a storage formation that can retain car-

1       bon dioxide in accordance with the requirements (in-  
2       cluding physical, geological, and economic require-  
3       ments) established under the methodology developed  
4       under subsection (b).

5           (3) ENGINEERED HAZARD.—The term “engi-  
6       neered hazard” includes the location and completion  
7       history of any well that could affect a storage forma-  
8       tion or capacity.

9           (4) RISK.—The term “risk” includes any risk  
10      posed by a geomechanical, geochemical,  
11      hydrogeological, structural, or engineered hazard.

12          (5) SECRETARY.—The term “Secretary” means  
13      the Secretary of the Interior, acting through the Di-  
14      rector of the United States Geological Survey.

15          (6) STORAGE FORMATION.—The term “storage  
16      formation” means a deep saline formation,  
17      unmineable coal seam, oil or gas reservoir, or other  
18      geological formation that is capable of accommo-  
19      dating a volume of industrial carbon dioxide.

20          (b) METHODOLOGY.—Not later than 1 year after the  
21      date of enactment of this Act, the Secretary shall develop  
22      a methodology for conducting an assessment under sub-  
23      section (f), taking into consideration—

24           (1) the geographical extent of all potential stor-  
25      age formations in all States;

1           (2) the capacity of the potential storage forma-  
2       tions;

3           (3) the injectivity of the potential storage forma-  
4       tions;

5           (4) an estimate of potential volumes of oil and  
6       gas recoverable by injection and storage of industrial  
7       carbon dioxide in potential storage formations;

8           (5) the risk associated with the potential stor-  
9       age formations; and

10          (6) the work performed to develop the Carbon  
11       Sequestration Atlas of the United States and Can-  
12       ada completed by the Department of Energy in April  
13       2006.

14       (c) COORDINATION.—

15           (1) FEDERAL COORDINATION.—

16                (A) CONSULTATION.—The Secretary shall  
17       consult with the Secretary of Energy and the  
18       Administrator regarding data sharing and the  
19       format, development of methodology, and con-  
20       tent of the assessment to ensure the maximum  
21       usefulness and success of the assessment.

22                (B) COOPERATION.—The Secretary of En-  
23       ergy and the Administrator shall cooperate with  
24       the Secretary to ensure, to the maximum extent

1           practicable, the usefulness and success of the  
2           assessment.

3           (2) STATE COORDINATION.—The Secretary  
4           shall consult with State geological surveys and other  
5           relevant entities to ensure, to the maximum extent  
6           practicable, the usefulness and success of the assess-  
7           ment.

8           (d) EXTERNAL REVIEW AND PUBLICATION.—On  
9           completion of the methodology under subsection (b), the  
10          Secretary shall—

11           (1) publish the methodology and solicit com-  
12           ments from the public and the heads of affected  
13           Federal and State agencies;

14           (2) establish a panel of individuals with exper-  
15           tise in the matters described in paragraphs (1)  
16           through (5) of subsection (b) composed, as appro-  
17           priate, of representatives of Federal agencies, insti-  
18           tutions of higher education, nongovernmental organi-  
19           zations, State organizations, industry, and inter-  
20           national geosciences organizations to review the  
21           methodology and comments received under para-  
22           graph (1); and

23           (3) on completion of the review under para-  
24           graph (2), publish in the Federal Register the re-  
25           vised final methodology.

1 (e) PERIODIC UPDATES.—The methodology devel-  
2 oped under this section shall be updated periodically (in-  
3 cluding not less frequently than once every 5 years) to in-  
4 corporate new data as the data becomes available.

5 (f) NATIONAL ASSESSMENT.—

6 (1) IN GENERAL.—Not later than 2 years after  
7 the date of publication of the methodology under  
8 subsection (d)(3), the Secretary, in consultation with  
9 the Secretary of Energy and State geological sur-  
10 veys, shall complete a national assessment of the ca-  
11 pacity for carbon dioxide storage in accordance with  
12 the methodology.

13 (2) GEOLOGICAL VERIFICATION.—As part of  
14 the assessment, the Secretary shall carry out a char-  
15 acterization program to supplement the geological  
16 data relevant to determining storage capacity in car-  
17 bon dioxide in geological storage formations, includ-  
18 ing—

19 (A) well log data;

20 (B) core data; and

21 (C) fluid sample data.

22 (3) PARTNERSHIP WITH OTHER DRILLING PRO-  
23 GRAMS.—As part of the drilling characterization  
24 under paragraph (2), the Secretary shall enter into  
25 partnerships, as appropriate, with other entities to

1 collect and integrate data from other drilling pro-  
2 grams relevant to the storage of carbon dioxide in  
3 geologic formations.

4 (4) INCORPORATION INTO NATCARB.—

5 (A) IN GENERAL.—On completion of the  
6 assessment, the Secretary shall incorporate the  
7 results of the assessment using, to the max-  
8 imum extent practicable—

9 (i) the NatCarb database; or

10 (ii) a new database developed by the  
11 Secretary, as the Secretary determines to  
12 be necessary.

13 (B) RANKING.—The database shall include  
14 the data necessary to rank potential storage  
15 sites—

16 (i) for capacity and risk;

17 (ii) across the United States;

18 (iii) within each State;

19 (iv) by formation; and

20 (v) within each basin.

21 (5) REPORT.—Not later than 180 days after  
22 the date on which the assessment is completed, the  
23 Secretary shall submit to the Committee on Energy  
24 and Natural Resources of the Senate and the Com-  
25 mittee on Science and Technology of the House of



1       Representatives a report describing the results of the  
2       assessment.

3           (6) PERIODIC UPDATES.—The assessment shall  
4       be updated periodically (including not less frequently  
5       than once every 5 years) as necessary to support  
6       public and private sector decisionmaking, as deter-  
7       mined by the Secretary.

8   **SEC. 8003. STUDY OF THE FEASIBILITY RELATING TO CON-**  
9                   **STRUCTION OF PIPELINES AND GEOLOGICAL**  
10                   **CARBON DIOXIDE SEQUESTRATION ACTIVI-**  
11                   **TIES.**

12       (a) IN GENERAL.—The Secretary of Energy, in co-  
13       ordination with the Administrator, the Federal Energy  
14       Regulatory Commission, the Secretary of Transportation,  
15       and the Secretary of the Interior, shall conduct a study  
16       to assess the feasibility of the construction of—

17           (1) pipelines to be used for the transportation  
18       of carbon dioxide for the purpose of sequestration or  
19       enhanced oil recovery; and

20           (2) geological carbon dioxide sequestration fa-  
21       cilities.

22       (b) SCOPE.—The study shall consider—

23           (1) any barrier or potential barrier in existence  
24       as of the date of enactment of this Act, including

1 any technical, siting, financing, or regulatory bar-  
2 rier, relating to—

3 (A) the construction of pipelines to be used  
4 for the transportation of carbon dioxide for the  
5 purpose of sequestration or enhanced oil recov-  
6 ery; or

7 (B) the geological sequestration of carbon  
8 dioxide;

9 (2) any market risk (including throughput risk)  
10 relating to—

11 (A) the construction of pipelines to be used  
12 for the transportation of carbon dioxide for the  
13 purpose of sequestration or enhanced oil recov-  
14 ery; or

15 (B) the geological sequestration of carbon  
16 dioxide;

17 (3) any regulatory, financing, or siting option  
18 that, as determined by the Secretary of Energy,  
19 would—

20 (A) mitigate any market risk described in  
21 paragraph (2); or

22 (B) help ensure the construction of pipe-  
23 lines dedicated to the transportation of carbon  
24 dioxide for the purpose of sequestration or en-  
25 hanced oil recovery;

1 (4) the means by which to ensure the safe han-  
2 dling and transportation of carbon dioxide;

3 (5) any preventive measure to ensure the inte-  
4 gration of pipelines to be used for the transportation  
5 of carbon dioxide for the purpose of sequestration or  
6 enhanced oil recovery; and

7 (6) any other appropriate use, as determined by  
8 the Secretary of Energy, in coordination with the  
9 Administrator, the Federal Energy Regulatory Com-  
10 mission, the Secretary of Transportation, and the  
11 Secretary of the Interior.

12 (c) REPORT.—Not later than 180 days after the date  
13 of enactment of this Act, the Secretary of Energy shall  
14 submit to the Congress a report describing the results of  
15 the study.

16 **SEC. 8004. LIABILITIES FOR CLOSED GEOLOGICAL STOR-**  
17 **AGE SITES.**

18 (a) ESTABLISHMENT OF TASK FORCE.—As soon as  
19 practicable after the date of enactment of this Act, the  
20 Administrator shall establish a task force, to be composed  
21 of an equal number of stakeholders, the public, subject  
22 matter experts, and members of the private sector, to con-  
23 duct a study of the legal framework, environmental and  
24 safety considerations, and cost implications of potential

1 Federal assumption of liability with respect to closed geo-  
2 logical storage sites.

3 (b) REPORT.—Not later than 18 months after the  
4 date of enactment of this Act, the task force established  
5 under subsection (a) shall submit to Congress a report de-  
6 scribing the results of the study conducted under sub-  
7 section (a), including recommendations of the task force,  
8 if any, with respect to the framework described in that  
9 subsection.